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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,211	03/29/2001	Ping-Yim Cheung	13006-002001	5413
26161	7590	06/17/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			NGUYEN, LUONG TRUNG	
		ART UNIT	PAPER NUMBER	
		2612	4	
DATE MAILED: 06/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/821,211	CHEUNG, PING-YIM
	Examiner LUONG T NGUYEN	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2 and 3</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the specification, page 3 (line 21), page 4 (lines 16, 18, 20), page 5 (line 1), disclose “window 28a” in Figures 3A and 3B. However, Figures 3A and 3B do not show “window 28a”. Appropriate correction is required.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

Claim 1 (line 6), claim 5 (line 6) “electric device” should be changed to --electrical device--.

Claims 2-4 are objected as being dependent on claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (U. S. Patent No. 5,347,163) in view of Shimoda (U. S. Patent No. 5,519,871).

Regarding claim 1, Yoshimura discloses a system for supplying backup electricity from a secondary battery (backup battery, Abstract) to an electrical device, said electrical device provided with a casing (housing 30, Figure 3A-3B, Column 3, Lines 5-10), said casing adapted for receiving at least one primary battery (main battery 20a or 20b, 3A-3B, Column 3, Lines 5-10), said system comprising a primary electrical circuit between the electrical device and said primary battery such that the proper loading of said primary battery completes the electric connection between said primary battery and said electric device (electric circuit between positive contact terminal 32, negative contact terminal 33 and portable electronic apparatus, Figures 3A-3B); a secondary electric circuit between said electrical device and said secondary battery, said secondary electric circuit further containing a switch for opening and closing said secondary electric circuit (when main battery 20a or 20b is not in the storage section 31, the battery detection pin 34 is pushed up, allowing switch contact 36 contacts to switch contact 37, thus turning on the battery detection switches 25, 26, 27, a current flows in the circuit supplying a backup power (28) to the RAM 23 of the portable electronic apparatus, Figures 2, 3B, Column 3, Lines 35-45).

Yoshimura fails to specifically disclose a coupling mechanism between said casing and said switch such that the opening of said casing triggers the closing of said switch and said secondary electric circuit and the closing of said casing results in the opening of said switch and said secondary electric circuit. However, Yoshimura discloses battery detection pin 34 and coil

spring 35, which open or close switches contact 36 and 37, Figures 3A-3B, Column 3, Lines 15-45). And Shimoda discloses a data save apparatus, in which, when the cover 6b opens, the detector switch 8b turns off and RAM 32 is backed up by battery 2b, (Figures 4, 10, Column 4, Line 44 – Column 5, Line 9), and when the cover 6b closes, the detector switch 8b turns on, Column 3, Lines 19-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Yoshimura by the teaching of Shimoda in order to provide a backup power to the device when the cover battery is opened.

Regarding claim 2, Shimoda discloses said casing is provided with a primary battery (battery 2a, Figure 4) compartment closable with a lid (cover 6b, Figure 4); said coupling mechanism comprising a triggering element (female screw 9b, Figure 4) provided on said lid; and said opening of said casing involves opening said lid (opening of cover 6b corresponds to open the unit 1b, Figure 4).

Regarding claim 3, Yoshimura discloses said switch further comprises a first contactor (switch contact 36, Figures 3A-3B) and a second contactor (switch contact 37, Figures 3A-3B), said first contactor electrically connected to one pole of said secondary battery, said second contactor electrically connected to the opposite pole of said secondary battery; and a connector (connector between switch contacts 36 and 37, Figure 4) adapted for electrically coupling said first and second contactor, said connector movable between an open circuit position and a close circuit position, said triggering element engaging said connector in said open circuit position

when said lid is in the closed position, said connector further automatically moving into a close circuit position when said casing lid is opened.

Regarding claim 5, claim 5 is a method claim of the apparatus claim 1. Therefore, see Examiner's comment regarding claim 1.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (U. S. Patent No. 5,347,163) in view of Shimoda (U. S. Patent No. 5,519,871) further in view of Yamano et al. (U. S. Patent No. 6,067,116).

Regarding claim 4, Yoshimura and Shimoda fails to specifically disclose electrical device comprises the electronic of a digital camera. However, Yoshimura discloses a portable electronic apparatus, and Yamano et al. discloses a digital camera is a type of portable electronic equipment (Column 1, Lines 37-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Yoshimura and Shimoda by the teaching of Yamano et al. in order to provide a back up power for a digital camera.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wakabayashi et al. (U. S. Patent No. 4,668,070) discloses power supply device of a camera.

Machida et al. (U. S. Patent No. 4,697,909) discloses power source device with reserve power source for camera.

Kawamura (U. S. Patent No. 5,784,105) discloses video camera with built-in secondary battery.

Watanabe (U. S. Patent No. 6,345,157) discloses camera built-in electric circuit.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
6/12/2004 *Luongt Nguyen*

LUONG T. NGUYEN
PATENT EXAMINER